

**TOWN OF NEW HAMPTON  
ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
Town Office upstairs meeting room  
New Hampton, NH 03256**

October 6, 2021

- MEMBERS PRESENT** Regular members: Mr. Tierney, Mrs. Belanger, Mr. Newman and Mr. Livernois (7:06 pm).
- OTHERS PRESENT** Administrative Assistant Mrs. Vose, Ms. Roseberry, Mr. & Mrs. Merchant, and Mr. Guyotte.
- CALL TO ORDER** Mr. Tierney called the meeting to order at 7:02 PM.
- PUBLIC HEARING**  
*Edward & Debra Baldovin,  
100 Seminole Avenue, Tax  
Map U-10, Lot 10, for a  
Special Exceptions under  
Article IV, Section D(1) of  
the New Hampton Zoning  
Ordinance.*
- Ames Associates Nicol Roseberry was present to represent the application.
- Mrs. Vose advised that the applicant, Edward & Debra Baldovin, has requested a Public Hearing in accordance with RSA 676:7, for a Special Exception request under Article IV, Section D(1) of the New Hampton Zoning Ordinance. The applicant's proposal is to construct a septic system within the 20-foot setback of the property line; the proposed location of the leach field being 11 feet from the front property line and 12 feet from the side property line. Property belonging to Edward & Debra Baldovin is located at 100 Seminole Avenue, Tax Map U-10, Lot #10, in the General Residential, Agricultural and Rural District and the Waukewan Watershed Overlay District.
- Mrs. Vose advised all abutters were notified and had heard from none. Mr. Tierney said the board is typically made up of 5 members and there are not 5 members present. He said if the board were to deny the Special Exception the fact that there are not 5 members present is not a reason to appeal the decision, asking Ms. Roseberry if Ames Associates wanted to move forward with the members present and she agreed.
- Ms. Roseberry advised that there is no other location on the parcel to fit the system but can meet the State setback distance of 10 feet. This is 2-bedroom as that is all that the state will allow.
- Mr. Tierney confirmed with the board that they had previously reviewed the application. The board reviewed the criteria:
- 1. The specific site is an appropriate location for such use:** The applicant wrote *"the residential use of this property and building is the permitted use in this zone. This is a residential property that has been in use, as such, for 40 plus years. This request is to replace the existing sewage disposal system that was installed prior to local zoning rules regarding septic systems."*

The board agreed this was an appropriate use.

2. **There is adequate area for safe and sanitary sewage disposal:** The board agreed.
3. **The use will not adversely affect the adjacent area:** The applicant wrote *“this proposal replaces an antiquated sewage disposal system with one that meets all State requirements. The resulting sewage disposal system will be a benefit to the neighborhood and will increase property values of the subject property and the abutting properties.”*  
  
Mr. Tierney added that this would add additional protection for the lake, which the board agreed.
4. **There will be no nuisance or hazard created:** The board agreed.
5. **Adequate and appropriate facilities will be provided for the proper operation of the proposed use:** The board agreed.
6. **The use will not impair the aesthetic values exhibited by the surrounding neighborhood:** The board agreed.
7. **The development of any lot, including any building and/or impermeable area, shall not exceed the Maximum Lot Coverage in the applicable zoning district:** The applicant writes *“This proposal is for a replacement sewage disposal system. No change in existing coverage is proposed.”*
8. **The criteria relative to Agritourism was not applicable to this application.**

Mr. Tierney called for any additional questions or public input and there was none so he closed the public hearing so the board to go into deliberations.

Mr. Livernois pointed out that the system barely meets the required distances to other homes and wells. Mr. Newman asked what system is currently in place and Ms. Roseberry said it is not known.

Mr. Livernois made a motion, seconded by Mrs. Belanger to approve the request for the Special Exception to allow the installation of the sewage disposal system even though it doesn't meet the setback requirements, with the condition that it receive all state approvals for construction. Vote was unanimous.

#### **PUBLIC HEARING**

*Michael & Donna Merchant,  
12 Old Bristol Road, Tax  
Map U-1, Lot 5, for a  
Special Exception under  
Article IV, Section F(2)v. of*

Mr. and Mrs. Merchant were present to represent the application.

Mrs. Vose advised that the applicants, Michael & Donna Merchant have requested a Public Hearing in accordance with RSA 676:7, for a Special Exception request under Article IV, Section F(2)v. of the New Hampton Zoning Ordinance. The applicant's proposal is to make alterations to an

*the New Hampton Zoning Ordinance.*

existing home, to create a two-family dwelling unit. The property is located at 12 Old Bristol Road, Tax Map U-1, Lot #5, in the Village District.

Mrs. Vose advised all abutters were notified and had heard from none.

Mr. Merchant stated that they turned a portion of the house into an apartment. He said he wasn't changing the exterior of the structure. Mr. Livernois confirmed the apartment is already created. Mr. Newman asked if there was a separate entrance and Mr. Merchant said it has a separate entrance in the front. Mr. Merchant said the house meets the setbacks and Mr. Tierney said it is also pre-existing. Mr. Merchant provided a sketch of the driveway to show parking. The board reviewed the parking requirements for the residential uses, determining that what exists is adequate. There was discussion as to whether this proposal needs site plan review but upon reading the regulations it was determined this requirement was referring to multi-family homes.

The board reviewed the criteria:

1. **The specific site is an appropriate location for such use:** The board agreed the home had been in existence since the 1800's and had many uses over the years.
2. **There is adequate area for safe and sanitary sewage disposal:** The applicant wrote "*Village Precinct provides water and sewer...*". The board agreed this was adequate.
3. **The use will not adversely affect the adjacent area – and -**
4. **There will be no nuisance or hazard created:** Mr. Tierney said this would increase traffic slightly, but it is a large property and Mr. Livernois advised there is an expectation that the Village district is a busier area.
5. **Adequate and appropriate facilities will be provided for the proper operation of the proposed use:** The board agreed.
6. **The use will not impair the aesthetic values exhibited by the surrounding neighborhood:** The applicant wrote "*Architectural elements will have no change and are consistent with surrounding buildings.*" Mr. Tierney confirmed there was no external change to the home.
7. **The development of any lot, including any building and/or impermeable area, shall not exceed the Maximum Lot Coverage in the applicable zoning district:** The board noted that the lot is 1.3 acres.
8. **The criteria relative to Agritourism was not applicable to this application.**

Mr. Tierney advised that the Fire Chief had submitted a letter stating he is working with the Merchants to ensure Life Safety Code is met.

Mr. Tierney called for any additional questions or public input and there was none so he closed the public hearing so the board to go into deliberations.

Mr. Tierney reviewed the 8 criteria again with all members agreeing each was met by the application.

Mr. Newman made a motion, seconded by Mrs. Belanger to approve the request for the Special Exception under Article IV, Section F(2)v. to create a two-family dwelling. Vote was unanimous.

### **PUBLIC HEARING**

*Maurice Guyotte, 28 Victor Huckins Road, Tax Map R-17, Lot 32A, for a Special Exceptions under Article IV, Section A(3) of the New Hampton Zoning Ordinance.*

Mr. Guyotte was present to represent the application.

Mrs. Vose advised that the applicant, Maurice Guyotte has requested a Public Hearing in accordance with RSA 676:7, for a Special Exception request under Article IV, Section A. 3 & 5 of the New Hampton Zoning Ordinance. The applicant's proposal is to make alterations to an existing garage, to create a one-bedroom accessory dwelling unit. To create an accessory dwelling unit the applicant shall meet the definition and provision under Article V, R. The property is located at 28 Victor Huckins Road, Tax Map R-17, Lot #32A, in the General Residential, Agricultural and Rural District.

Mrs. Vose advised all abutters were notified and had heard from none.

Mr. Tierney advised that he had a business relationship with the applicant years ago and doesn't feel it would affect his actions on the board and asked the other board members and Mr. Guyotte if they had any issue with Mr. Tierney serving and none of them did.

Mr. Guyotte said he used to use the 2<sup>nd</sup> floor of the detached garage for his business, but no longer needs it for this use and has decided to convert it to an apartment. He said he meets the regulation requirements and has upgraded his septic design to accommodate the ADU.

Mr. Tierney referred to the floor plan the applicant submitted.

The board confirmed the size of the lot being 1.3 acres with 2 bedrooms currently in the home. Mr. Tierney reviewed the provisions of an ADU in the zoning ordinance:

- i. *Only 1 ADU would be permitted.* Mr. Tierney confirmed it is only one ADU.
- ii. *The ADU must provide independent living facilities, ie. sleeping, eating, cooking, and sanitation.* Mr. Guyotte confirmed it is connected to the approved septic system and the apartment is framed.
- iii. *The ADU shall have an independent means of ingress and egress.* Mr. Guyotte said the garage is built into a slope so there is access

directly to the ground via 4 steps, one interior set of stairs to the garage, and an egress window from the bedroom. He showed on the floor plan where access was.

- iv. *The ADU shall be attached to or within the principal dwelling unit or accessory building. Unit is in the accessory building.*
- v. *Either the ADU or principal dwelling unit is the owner's principal residence.* Mr. Guyotte advised he lives in the main house.
- vi. *An ADU in the principal dwelling shall not exceed 800 sq. ft. in habitable floor area.* As this related to an ADU in the principal dwelling the board agreed this criterion did not apply.
- vii. *An ADU in an accessory building shall not exceed 45% of the square footage of the floor area for that accessory building, to a maximum of 800 sq. ft.* Mr. Tierney stated the calculations provided by Mr. Guyotte, reflect the ADU is 765.6 sq. ft. based on the drawing, meeting the regulations.
- viii. *The ADU shall have no more than 2 bedrooms.* Mr. Guyotte confirmed it had only 1 bedroom.
- ix. *An ADU shall be provided a minimum of 2 off-street parking spaces, in addition to primary dwelling unit parking requirements.* Mr. Guyotte stated there was a lot of parking.
- x. *An ADU shall make provision for adequate water supply and sewage disposal service in compliance with NHDES.* Mr. Guyotte said the same water going to the house will supply the ADU.

The board reviewed the Special Exception criteria:

- 1. The specific site is an appropriate location for such use:** The board agreed.
- 2. There is adequate area for safe and sanitary sewage disposal:** Mr. Tierney advised the septic system has state approval for the proposed number of bedrooms in the main house and the ADU.
- 3. The use will not adversely affect the adjacent area:** Mr. Tierney noted the garage already exists, with only additional windows being added.
- 4. There will be no nuisance or hazard created:** The board agreed.
- 5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use:** The applicant wrote "*the existing building already has 200 amp electric, 1/2 bath, and heat.*"
- 6. The use will not impair the aesthetic values exhibited by the surrounding neighborhood:** The board agreed.
- 7. The development of any lot, including any building and/or impermeable area, shall not exceed the Maximum Lot Coverage in the applicable zoning district:** The board agreed there is no change.

**8. The criteria relative to Agritourism was not applicable to this application.**

Mr. Livernois noted that the applicant had already spoken with the Fire Chief who submitted a letter to the board stating they were working together to ensure Life Safety Code would be met.

Mr. Tierney called for any additional questions or public input and there was none so he closed the public hearing so the board to go into deliberations.

Mr. Tierney reviewed the 8 criteria again with all members agreeing each was met by the application.

Mr. Livernois made a motion, seconded by Mrs. Belanger to approve the request for the Special Exception under Article IV, Section A(3 & 5) and Section R to create an accessory dwelling unit. Vote was unanimous.

**MINUTES**

Mrs. Belanger made a motion, seconded by Mr. Newman to approve the minutes of 6/2/21, adding a period at the end of the 2<sup>nd</sup> paragraph under "Public Hearing". Mr. Livernois recused himself as he wasn't present. Vote passed.

**OTHER BUSINESS**

There was none.

**CORRESPONDENCE**

There was none.

**ADJOURNMENT**

Mrs. Belanger made a motion, seconded by Mr. Newman, to adjourn at 8:02 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose  
Administrative Assistant